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FEB 16 2001

MARY E. D'ANDREA, CLERK
Per
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HABEEB SALEEM,

Plaintiff

v.

MARTIN F. HORN, et al.,

Defendants

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Civil Action No. 1:CV-01-0181

Judge Caldwell —

(Magistrate Judge Smyser)


MOTION FOR STAY OF PROCEEDINGS

Defendants, by and through their attorney, Victoria S. Freimuth, Assistant Counsel, hereby request a stay of proceedings with regards to Defendants' Motion to Dismiss, until the Court rules upon Defendants' Objections to Magistrate Judge Smyser's Report and Recommendation in this matter. Defendants aver in support thereof as follows:

1. On or around December 29, 2000, Plaintiff Habib Saleem filed a Petition for Writ of Habeas Corpus in the Court of Common Pleas of Allegheny County.
2. On January 8, 2001, the Commonwealth Court of Pennsylvania entered an Order transferring the Petition for Habeas Corpus back to the Court of Common Pleas of Allegheny County.
3. On January 25, 2001, Defendants filed a Notice of Removal of the above-captioned matter to this Court.
4. On February 5, 2001, Defendants filed a Motion to Dismiss the above-captioned matter.
5. On February 6, 2001, Magistrate Judge Smyser issued a Report and Recommendation to remand the above-captioned matter to the state Court.
6. On February 16, 2001, Defendants filed Objections to Magistrate Judge Smyser's Report and Recommendation.

7. Defendants request that a stay of proceedings be granted with regards to Defendants' Motion to Dismiss until the Defendants' Objections to the Report and Recommendation have been ruled upon by this Court.
8. Defendants request an additional ten (10) days in which to file their Brief in Support of their Motion to Dismiss upon the Court's ruling of Magistrate Judge Smyser's Report and Recommendation, if needed.

Respectfully submitted:


Victoria S. Freimuth
Assistant Counsel
Attorney I.D. 77183

PA Department of Corrections
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444

Dated: February 16, 2001

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HABEEB SALEEM,

Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that I am this day forwarding a true and correct copy of the foregoing Motion for Stay of Proceedings upon the person(s) in the manner indicated below:

Service by first-class mail

Addressed as follows:

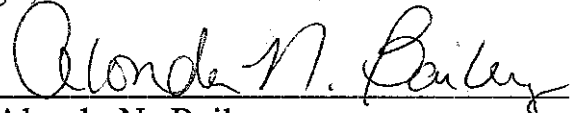
Habeeb Saleem, DE-2340

SCI-Pittsburgh

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Pittsburgh, PA 15233



Alonda N. Bailey

Clerk Typist 2

PA Department of Corrections

55 Utley Drive

Camp Hill, Pennsylvania 17011

(717) 731-0444

Dated: February 16, 2001